

04/22/2000

1765108 - R8 SDMS

SATURDAY  
April 22, 2000

35¢

# CORTEZ JOURNAL

CORTEZ, COLORADO (USPS 360-960)

www.cortezjournal.com

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## Board responds to allegations

BY JIM MIMIAGA

At a special meeting Wednesday night, a member of the Montezuma County Hospital District Board and its attorney angrily responded to a letter published in the *Cortez Journal* April 18 in which board candidate Sheila Wilson accused the board of improper use of executive sessions.

During an April 12 joint meeting between the Southwest Health System board and the MCHD board, two executive sessions took place, one to discuss the nursing home lease

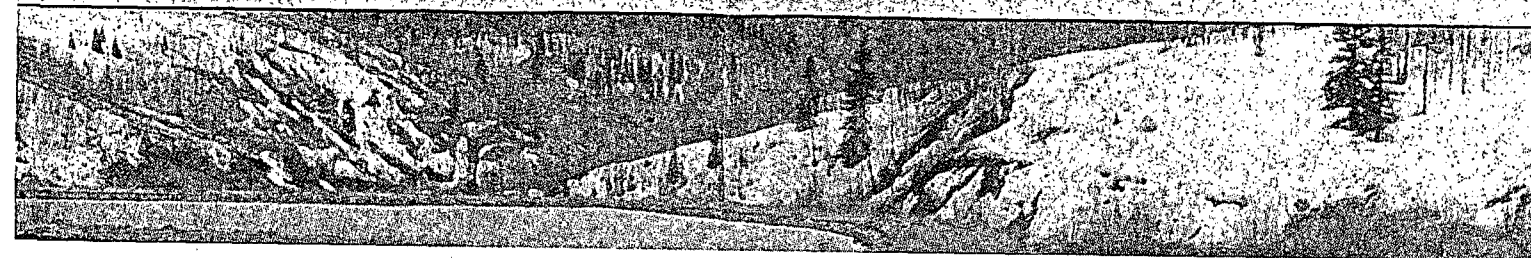
See BOARD on Page 3A

## ...ove in to repair mine-tailing ponds

## Fiber optics project gets green light

BY MATT GLECKMAN

County commissioners gave



## INSIDE:

Residents, officers thwart  
a robbery in progress.  
See story on Page 6A.

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# CORTEZ JOURNAL

VOLUME 110, NUMBER 145

CORTEZ, COLORADO (USPS 360-960)

## MCHD favors building new nursing

BY JIM MIMIAGA

The Montezuma County Hospital District board announced at a special meeting Wednesday that they are in favor of allowing a new nursing home to be constructed on the Southwest Memorial campus.

The move would allow the hospital's management arm, Southwest Health System, to proceed with plans to expand non-medical departments into the adjacent Vista Grande nursing home building, freeing

up badly needed space at the hospital for expanded medical services and equipment.

"We are here tonight to say that both boards want to move forward with negotiations to build a new nursing home and we agree with SHS's recommendation to do so," said Randy Smith, MCHD board chairman.

SHS passed a resolution this month that urged the district board to allow Vista Grande's management company, Continuum, LLC to build a new

facility — one of two options stipulated in a lease agreement between Continuum and the district board.

The other option under that agreement is for the district to sign a long-term lease with Continuum in order to continue managing Vista Grande at its current location. A final decision on the future of the nursing home must be made by the end of the lease extension's term, which expires next March.

This is the first time since a

three-year lease extension agreement was signed in March 1998 that the board has definitively revealed its preference in the controversial matter. Discussions have mostly been held in executive sessions due to the sensitivity of negotiating contracts.

According to SHS' resolution, the hospital could expand the operating room, radiology department and laboratories at the 61-bed acute-care facility if

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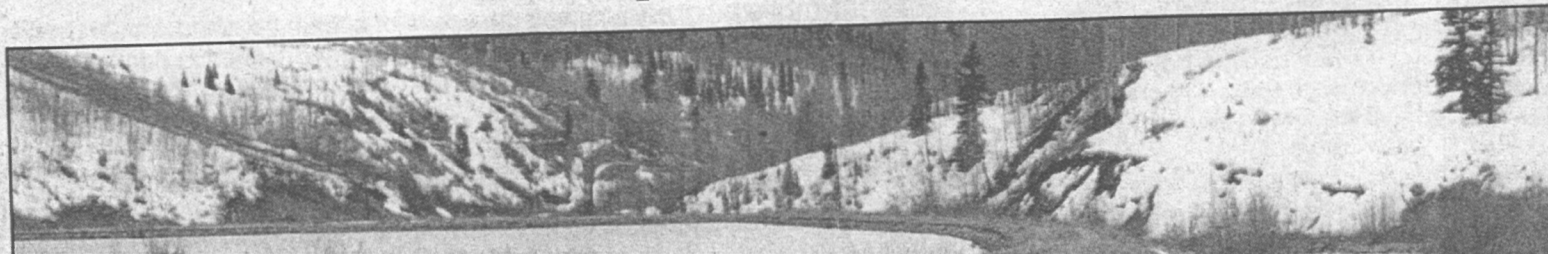
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## EPA crews move in to repair mine-tailing pond

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# EPA crews move in to repair mine-tailing pond

BY JIM MIMIAGA

The Colorado U.S. Attorney's office has obtained a court-ordered access warrant for the Environmental Protection Agency to begin repairing failing mine-tailing ponds north of Rico that are adjacent to the Dolores River, EPA attorney Sheldon Muller reported Thursday.

The action comes after long-gone land speculators, who the EPA claims own the series of 11 settling ponds draining the long-abandoned Argentine mine operation, refused to allow the agency's emergency response team permission to enter the property last week, Muller said in a phone interview.

"We had to go to court in order to get legal access because we were having a hard time getting permission from who we believe is the owner," he said. "They were not willing to sign a consent form."

An emergency response team will start work Monday on a new culvert drain between two of the ponds and will add about 1 1/2 feet to the existing berm between the pond and the Dolores River, said Rico Town Manager and Attorney Eric Heil.





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# move in to repair mine-tailing ponds



## Fiber optics project gets green light

BY MATT GLECKMAN

County commissioners gave the OK Monday for a high-impact permit that grants Tri-State Generation and Transmission the authority to string a fiber optic line along an already existing route through Montezuma County.

Officials say the fiber optic line, which will eventually be strung from Grand Junction to Albuquerque, will bring increased capacity, faster service and greater cost savings to telecommunications users throughout the Southwest.

Rick Smith, director of general services for Cortez, said, "Currently, the Southwest is being serviced by two microwave links out of here that are already at full capacity."

The fiber optic line will give existing businesses in Montezuma County the ability to grow and will hopefully attract new business to the area, Smith said.

Commissioner Kent Lindsay said that approval of the permit had been postponed on two

allow the agency's emergency response team permission to enter the property last week, Muller said in a phone interview.

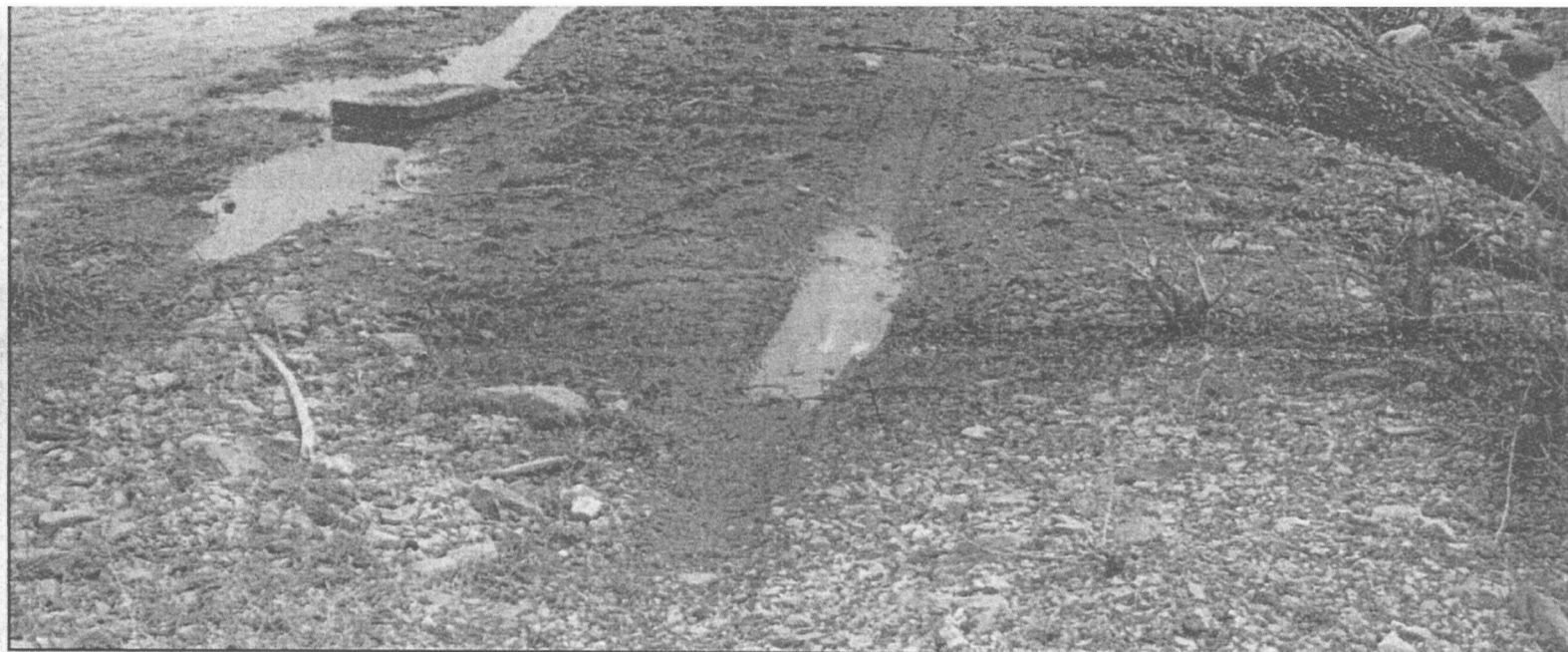
"We had to go to court in order to get legal access because we were having a hard time getting permission from who we believe is the owner," he said. "They were not willing to sign a consent form."

An emergency response team will start work Monday on a new culvert drain between two of the ponds and will add about 1 1/2 feet to the existing berm between the pond and the Dolores River, said Rico Town Manager and Attorney Eric Heil.

The work should take about three days, with about four people on the emergency response team.

U.S. Attorney Thomas Strickland said in a news release Friday, "Colorado's rivers and environment are precious resources that must be protected. Our action today is meant to assist the EPA in responding to this environmental emergency."

The now-dissolved Rico Development Corporation (RDC), its former secretary, Virginia Sell, and its former president, Wayne Webster, have been accused in an ongoing federal lawsuit of failing to comply with an effluent-discharge permit issued to RDC



JOURNAL/BOB FITZ

TOXIC MINING discharge spills over a berm into the Dolores River, at right, near Rico last week. A judge has granted an Emergency

Response Team from the Environmental Protection Agency access to the ponds in order to stabilize the berms and to prevent further sp

from the Colorado Department of Health and Environment, and for violating the requirements of the Clean Water Act.

At least two settling ponds are clearly draining untreated waste water into the Dolores River and threaten to breach their soil berms further once the winter's snow pack begins to fill the ponds even more. If the berms fail completely, tons of toxic mine sludge laden with lead, arsenic and cadmium will be dumped into the adjacent Dolores River, which would pollute downstream fishery and

wildlife habitats, including annual feeding grounds for the bald eagle. The Dolores River is also the municipal water source for the towns of Dolores and Cortez.

An initial investigation of the abandoned mine-tailing clean-up operation by EPA inspectors on April 14 confirmed the need for immediate action, Muller said.

"The team reported that if nothing is done soon the embankment would likely give way and release a good part of the sediment and sludge into

the river impacting the environment and human health," Muller said.

At least two ponds are clearly overflowing into the Dolores, and pipes designed to move wastewater between ponds are clogged, causing the system to back up. The wastewater treatment plant and ponds have been abandoned since 1996.

A settlement agreement with Webster and Sell is unlikely by the May 2 deadline, at which point the lawsuit goes to court.

"The settlement talks are off, because Webster has fired his

attorney on the matter," Muller said.

The EPA is seeking to force Sell and Webster to rehabilitate the treatment plant and the effluent from the Tunnel so it meets water quality standards. Civil penalties are also being sought against the defendants for violating the Clean Water Act regulations regarding permits and unauthorized discharge.

Speaking on Friday from his home in Athens, Ga., Webster, 81, said that he

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## Painting for smiles



## Hospital board candidates sound off on local issues

Residents of the seventh ward of Denver will





JOURNAL/BOB FITZGERALD

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Rick Smith, director of general services for Cortez, said, "Currently, the Southwest is being serviced by two microwave links out of here that are already at full capacity."

The fiber optic line will give existing businesses in Montezuma County the ability to grow and will hopefully attract new business to the area, Smith said.

Commissioner Kent Lindsay said that approval of the permit had been postponed on two previous occasions because of easement questions that were raised by landowners whose properties will be transited by the fiber optic cable. Specifically, discussions centered around how much the easements are worth.

Glen Humiston, who represented a portion of those landowners, the Fiber Optics Negotiating Committee, stated in a letter to the commissioners that a mutual agreement has been reached among the committee regarding the terms of easements and the compensation for them.

Those terms were later documented and approved by Tri-State representatives.

If an agreement had not been reached, there was a good possibility that Montezuma County would have been bypassed by the project with Tri-State using one of two alternate routes.

The Fiber Optics Negotiating Committee does not, however, encompass all of the landowners involved in the project and

miles

## Hospital board candidates sound off on local issues

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(TABOR) on the amount of revenue that we can take in. At the moment we only have two options regarding what will happen under the Vista Grande lease with (the management company) Continuum: Either allow them to build a new one on campus or agree to a long-term lease at the current building. Trying to circumvent that contract, then we definitely are liable for a lawsuit, and as a taxpayer I do not want my tax dollars defending a lawsuit. I think that the community would agree."

into the public, you  
the public buy into you first. The public is the stakeholder, if they are not involved then it breeds secrets and rumors and causes dysfunction. What the public believes, the employees will adopt; what the public thinks of Southwest will be the way Southwest defines itself. We do not want to move forward in reckless abandon, but move forward at a pace the people choose. There will be times for executive sessions, but yes (I'll keep them to a minimum.) If it is a law, then I think it should not be

**clinic. What are your thoughts on that?**

**Domerese**  
"There is a need, particularly for the seniors, but also for the children. Nationally 6 percent of children have no health insurance and here I would say it is a lot higher. I think that if you polled the physicians on that they would say that we are not doing ourselves a service by having nothing of that nature."

**Rutledge**  
"Many in Montezuma county need this type of affordable care, and the hospital's financials indicate that there is a lot

"In this case I would use my two ears to find out where the key players would want that to go toward. As a new member it is more important to listen than to speak at first. So right now it is too early for me to tell where it should go."

**Rutledge**  
"We need to help those who cannot afford insurance; this mill levy is their money and this is a need many have, so it makes sense to spend it on a clinic if it turns out to be doable."

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5 million, said hospital  
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McCabe, responding to  
ence-member's sugges-  
t the board should wait  
ter the May 2 board  
s. McCabe said that by  
ing until after the elec-

tions, the current board is  
showing that it is negotiating in  
good faith.

"It is not legally significant,"  
McCabe said. "The board is  
saying that this is the direction  
they want to go. A new board  
has the prerogative of deciding  
otherwise and then we would  
go from there."

Specifics of the plan, such as  
the amount Continuum should  
pay for a ground-lease to build  
on the hospital campus, and  
where the building would be  
built still need to be worked  
out.

"There is a lot of work to be  
done now that we have decided  
which direction we are going,"  
said John Greenemeier, SHS  
chairman.

# Crews

Continued from Page 1A

not afford to fix the ponds that  
are in his name and blamed  
the problem on the high beaver  
population.

"The beavers are causing the  
problem. All their work is clog-  
ging everything off and the  
wildlife officials won't go and  
take them out of there,"  
Webster said. "I can't go up  
there because I cannot handle  
the altitude.

"You can't fight the EPA and  
I'm sure they will try to make  
me pay, but I am broke. They  
can sue or do whatever they  
want but I do not have much,  
and I'm too old to run the  
damn thing. But they won't lis-  
ten to me, you know."

The action to repair and rein-  
force failing mine-tailing ponds  
and piping north of Rico is only  
temporary, according to the

EPA, and the clean-up does not  
include fixing a failed concrete  
barrier that is supposed to  
divert mine water from the  
nearby Blaine Tunnel into the  
settlement ponds. That barrier  
has failed and is now draining  
untreated effluent into Silver  
Creek, a tributary of the  
Dolores River, according to the

federal complaint. Rico draws  
their municipal water source  
upstream from the illegal  
Blaine Tunnel discharge point.

Muller said the Blaine  
Tunnel repair would be too  
involved and costly for the EPA  
to complete.

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